



# Flathead County Planning & Zoning

40 11<sup>th</sup> Street West, Suite 220 Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210



## **PETITION FOR ZONING AMENDMENT**

*Submit this application, all required information, and appropriate fee (see current fee schedule)  
to the Planning & Zoning office at the address listed above.*

**FEE ATTACHED \$** 3,039.55

### **APPLICANT/OWNER:**

1. Name: Rowland W. Day II & Jaimie D. Day Family Trust Phone: (949) 350-6500
2. Mail Address: 465 Echo Bay Trail
3. City/State/Zip: Bigfork, Montana 59911
4. Interest in property: owner

### **Check which applies:**



Map Amendment



Text Amendment:

### **TECHNICAL/PROFESSIONAL PARTICIPANTS:**

Name: APEC Engineering, Inc. Phone: (406) 393-2127  
Mailing Address: 75 Somers Road  
City, State, Zip: Somers, MT 59932  
Email: marc@apex-mt.com / tamara@apex-mt.com

### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:**

- A. What is the proposed zoning text/map amendment?

### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:**

- A. Address of the property: 465 Echo Bay Trail (listed as 427 McCaffrey Road) Bigfork, MT
- B. Legal Description: LAKE HOLLOWS SUB AMD Lots 2, 3, 4 / Lot 2A, Lot 3A, Lot 4AA  
(Lot/Block of Subdivision or Tract #)

06 - 27 N - 19 W  
Section Township Range (Attach sheet for metes and bounds)

- C. Total acreage: 62.13 acres
- D. Zoning District: Bigfork Land Use Plan
- E. The present zoning of the above property is: AG-40
- F. The proposed zoning of the above property is: SAG-5
- G. State the changed or changing conditions that make the proposed amendment necessary: The current AG-40 zoning does not match the surrounding properties, which are smaller lakefront lots, not farmland. There are only a few tracts within this isolated district

that are larger than 40 acres, while other surrounding properties are closer to a 5-acre average lot size. The hilly, varied terrain is forested, but not suited for typical agricultural practices, as the AG-40 zoning would indicate. SAG-5 zoning (not AG-40 zoning) is prevalent within the Echo Lake neighborhoods.

**THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.**

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
  - a. Secure safety from fire and other dangers?
  - b. Promote public health, public safety and the general welfare?
  - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
  - a. The reasonable provision of adequate light and air?
  - b. The effect on motorized and non-motorized transportation systems?
  - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
  - d. The character of the district and its peculiar suitability for particular uses?
  - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

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*The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.*

RLA, Trustee  
Owner/Applicant Signature(s)

November 23, 2020  
Date



REQUEST for **ZONING MAP AMENDMENT**  
Rowland W. Day II & Jaimie D. Day Family Trust

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

**One goal of the Bigfork Land Use Plan is to preserve agricultural lands, which includes the entire spectrum of AG and SAG designations. In the section titled Agricultural Land Use, AG-40, zoning is described as:**

“Areas far from public facilities and services or exhibiting significant environmental constraints to development are appropriate to utilize AG-40 zoning. This large-lot zoning is used to protect ongoing agricultural and silvicultural operations from the intrusion of development as well as prevent development from being located where it is most inefficiently served and/or has the potential for significant harm to the environment or safety of residents. Growth is not planned for these areas and public services and facilities are designed accordingly.”

**The above does not describe the proposed subdivision property as well as SAG-5 zoning, which is the proposed amendment:**

“In areas adjacent to Residential designations with efficient service provision, convenient access to public facilities, paved roads and no environmental constraints, SAG-5 zoning is an appropriate use and density. As the smallest “agricultural” designation, small hobby farms, horse pastures and rural single family residential dwellings exemplify areas where this zone is used.”

**It is important to note that the surrounding area contains more SAG-10 and SAG-5 than the small subject area that is zoned as Ag-40. In fact, the entire east half of the Echo Lake lakeshore neighborhood is zoned SAG-5.**

2. Is the proposed amendment designed to:

a. Secure safety from fire and other dangers?

**The proposed amendment protects the existing low-density residential development within the forested, hilly acreage at the west lakeshore of Echo Lake. Though the subject area was historically timberland, it has been thinned and opened up for fire safety (and views), while preserving native vegetation buffers and privacy screens. The existing paved Echo Bay Trail provides access and an emergency “Y” turn-around at the property boundary.**

b. Promote public health, public safety and the general welfare?

**The proposed zoning amendment maintains the lower density that was intended within the Bigfork Land Use Plan, when this zoning was implemented, as compared to the higher**

**density of the existing surrounding neighborhoods. Also, SAG-5 zoning requires 75% open space (only 25% lot coverage is permitted), which preserves the low density character, the natural landscape and vegetation which promotes the general welfare.**

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

**Due to site characteristics, including variable and irregular slopes, and 50' lakeshore setbacks, the future development areas within the subject 62.13 acres are limited. Because of these limitations, the proposed zoning change from AG-40 to SAG-5 does not significantly change the density. Therefore, the proposed zoning amendment creates a minimal impact on existing local transportation networks, the local Bigfork School District #38, parks and other public requirements. This location is not served by public water & sewer facilities, and therefore will not have an impact.**

3. Does the proposed amendment consider:

a. The reasonable provision of adequate light and air?

**The proposed amendment requires 75% of total acreage (46.6 acres out of 62.13 total acres) to be preserved as open space, which is a substantial provision of adequate light and air.**

b. The effect on motorized and non-motorized transportation systems?

**An existing paved private road, Echo Bay Trail, serves this subject property. This road has a "Covenant & Road Agreement" in place, for all property owners using Echo Bay Trail. As stated above, the proposed amendment has limited potential to create additional dwellings, or additional impact on the existing roads.**

**This proposed amendment will also have minimal impact on existing paths and trails and "share the road" routes within this area.**

c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?

**The growth associated with this proposed SAG-5 zoning amendment, would reflect as a continuation of the established residential lakeshore neighborhood around Echo Lake. The Bigfork Neighborhood Plan Use maps designate this area to remain in the AG and SAG land use zoning categories, which also limits the future increase in density per acre. Due to the location between the Echo Lake lakeshore to the east, and the varied, hilly terrain to the west, this proposed subdivision is physically limited in size for future growth, and buildable lots, and the desired low density character will be preserved.**

d. The character of the district and its peculiar suitability for particular uses?

**The previously developed surrounding lots within the district are lakefront properties with much greater density, with a much smaller lot size than the AG-40 zoning district would indicate, and in the district, there are only a few tracts over 40 acres in size.**

**The existing lakeshore lots in this zoning district, at the north end, average between 1 and two acres in size; the lakeshore lots at the south end average 6.62 acres in size. The proposed SAG-5 zoning amendment is congruent with these surrounding areas.**

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?

**The proposed amendment allows for a minimal increase in density, without changing the agricultural land use category. A 75% open space requirement still remains.**

**The variable (hummocky) terrain makes natural buffers between potential development sites and existing residences, conserving the value of both.**

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

**These two sections that make up the AG-40 district is surrounded by some AG-20, but mostly by SAG-10 and SAG-5 smaller districts. This isolated AG-40 district has had two revisions (to SAG-10 & SAG-5) since 2009, when the Bigfork Land Use Plan was written). This proposed zoning amendment is compatible with current, surrounding zoning.**

DEC - 4 2020